

BEFORE THE FEDERAL ELECTION COMMISSION

COMPLAINT

RESPONDENTS

MUR No. 5970

Friends of the Earth (FOE) submits the following material to demonstrate that the Federal Election Commission should take no action against it pursuant to the complaint captioned MUR 5970. The Complaint by Lori Sherwood provides no reason to believe that FOE violated the Federal Election Campaign Act (FECA or Act).

Ms. Sherwood attempts to find a violation of the FECA by integrating a charitable grant made by the Arca Foundation, the employer of Donna Edwards, to FOE with campaign contributions made by FOE PAC and individuals associated with FOE. In this attempt she misstates salient facts and cites no provision of the Act which was allegedly violated.

FOE is a long standing and well recognized section 501(c)(3) tax exempt environmental organization. ¶ 2 of Declaration of Brent Blackwelder. Ms. Sherwood states that FOE endorsed Donna Edwards but supplies no factual materials demonstrating this. In fact, FOE did not endorse Donna Edwards. ¶ 4 of Declaration of Brent Blackwelder.

Ms. Sherwood also alleges that FOE "contributed over \$5,000 to her (Donna Edwards) through their (sic) board members, employees and its PAC." Again she

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supplies no factual materials supporting these allegations. In fact, FOE did not make cash or in-kind contributions to Donna Edwards. ¶ 4 of *Declaration of Brent Blackwelder*.

FOE does not contest that FOE Action PAC and the President of FOE contributed to the campaign of Donna Edwards ¶ 5 and 6 of *Declaration of Brent Blackwelder*.

These contributions are legal under the Act. Significantly Ms. Sherwood has alleged no facts nor presented any legal authority which suggest that these contributions would be a violation of the Federal Election Campaign Act .

For these reasons, FOE requests the Commission promptly declare that there is no reason to believe that FOE violated the FECA and should dismiss FOE from its consideration of MUR 5970.

Respectfully submitted,



Gail Harmon

Partner

Harmon, Curran, Spielberg & Eisenberg, LLP

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RESPONDENT

Friends of the Earth

MUR No. 5970

DEPARTMENT OF JUSTICE
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2008 FEB 20 P 3:40

DECLARATION OF BRENT BLACKWELDER

Brent Blackwelder states as follows:

1. My name is Brent Blackwelder. I am the President of Friends of the Earth in Washington, D.C. I have been employed in this position since 1994. This Declaration is based on my personal knowledge or is derived from the official records of Friends of the Earth and FOE PAC.
2. Friends of the Earth is a nonprofit corporation incorporated in the District of Columbia and recognized as exempt under section 501(3)(3) of the Internal Revenue Code. Friends of the Earth (FoE) is one of 70 international organizations that comprise the world's largest environmental activist network, celebrating its 40th anniversary in 2009. FoE promotes clean energy, clean transportation, responsible use of technology, and protection of the earth's natural treasures. FoE also works for safe alternatives to toxic chemicals, and climate justice for poor and vulnerable peoples around the world.
3. In 2006 the Arca Foundation granted \$35,000 to Friends of the Earth.
4. Friends of the Earth never endorsed Donna Edwards or any other candidate for elective office. Friends of the Earth has contributed no funds to Donna Edwards or to any other candidate for elective office. Friends of the Earth has made no in-kind contributions to Donna Edwards nor has it engaged in activities in support of Donna Edwards nor has made any in-kind contributions to or engaged in any activities in support of or in opposition to any other candidate for elective office. Friends of the Earth is subject to the legal restriction that it not engage in electoral activities which are prohibited under section 501(c)(3) of the Internal Revenue Code. It maintains corporate, legal and accounting controls to assure compliance with these requirements.
5. Friends of the Earth Action, a section 501(c)(4) corporation that is separate from Friends of the Earth, sponsors a federally registered political action committee known as Friends of the Earth Action PAC. Friends of the Earth Action PAC endorsed Donna Edwards in 2006 and

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2007 and contributed \$1,000 to the Congressional Campaign of Donna Edwards in 2006, 2007 and 2008.

6. From my personal funds I contributed \$500 to the Congressional Campaign of Donna Edwards in 2006 and \$300 in 2007.
7. I have no independent personal knowledge of the political contributions of individuals who are Board members of Friends of the Earth or of FoE Action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and ability.

Feb 20, 2008
Date

Brent Blackwelder
Brent Blackwelder

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